

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 5076
NEWARK, NJ 07101
973-297-4887

March 19, 2015

LETTER ORDER

Re: *Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Annuity Fund, et al v. Jersey Insulation Corporation*
Civil Action No. 14-2838 (ES) (MAH)

Dear Counsel:

Pending before this Court is Plaintiffs'¹ Motion for Default Judgment. (D.E. No. 10).

Local Civil Rule 7.1 provides that "[n]o application will be heard unless the moving papers *and a brief*, prepared in accordance with L.Civ.R. 7.2 . . . are filed with the Clerk" L.Civ.R. 7.1(d)(1) (emphasis added). Local Civil Rule 7.1 further states that "[i]n lieu of filing any brief . . . a party may file a statement that no brief is necessary and the reasons therefor." L.Civ.R. 7.1(d)(4). Plaintiffs, however, have failed to file either a brief or a statement that no brief is necessary. (See D.E. No. 10). Plaintiffs' default judgment motion is therefore improper under the Local Civil Rules. See *Developers Sur. & Indemnity, Co., v. NDK Gen. Contractors, Inc.*, No. 06-0086, 2007 WL 542381, at *2 (D.N.J. Feb. 15, 2007) ("Because Plaintiff's application [for default judgment] does not meet the requirements of Local Civil Rule 7.1(d)(1), the Court will not hear Plaintiff's application.").

Plaintiffs' motion is therefore denied without prejudice. Plaintiffs may refile a default judgment motion, in compliance with this Court's Local Civil Rules, within thirty (30) days of this order.

SO ORDERED.

s/Esther Salas
Esther Salas, U.S.D.J.

¹ "Plaintiffs" collectively refers to: Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Annuity Fund; Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Education Fund; Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Pension Fund; Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Scholarship Fund; Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Vacation Fund; Heat and Frost Insulators and Allied Workers, AFL-CIO, Local Union No. 32 Welfare Fund; Richard Mussel White; Jeremiah Farmer; Paul Legrand; Jeffrey Chaplin; Joseph Checkovich; John Mazar; Peter Ielmini; and Kenneth Jenkins, as Trustees of the Funds.